

## STATE OF MINNESOTA

## EIGHTY-EIGHTH SESSION — 2013

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 FIFTY-SIXTH DAY

SAINT PAUL, MINNESOTA, TUESDAY, MAY 14, 2013

The House of Representatives convened at 9:00 a.m. and was called to order by Paul Thissen, Speaker of the House.

Prayer was offered by the Reverend Bruce Talso, Wyanett Evangelical Free Church, Princeton, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Abeler	Dettmer	Hertaus	Lillie	Nornes	Simonson
Albright	Dill	Hilstrom	Loeffler	Norton	Slocum
Allen	Dorholt	Holberg	Lohmer	O'Driscoll	Sundin
Anderson, M.	Drazkowski	Hoppe	Loon	O'Neill	Swedzinski
Anderson, P.	Erhardt	Hornstein	Mack	Paymar	Theis
Anderson, S.	Erickson, R.	Hortman	Mahoney	Pelowski	Torkelson
Anzelc	Erickson, S.	Howe	Mariani	Peppin	Uglen
Atkins	Fabian	Huntley	Marquart	Persell	Urdahl
Barrett	Falk	Isaacson	Masin	Petersburg	Wagenius
Beard	Faust	Johnson, B.	McDonald	Poppe	Ward, J.A.
Benson, J.	Fischer	Johnson, C.	McNamar	Pugh	Ward, J.E.
Benson, M.	FitzSimmons	Johnson, S.	McNamara	Quam	Wills
Bernardy	Freiberg	Kahn	Melin	Radinovich	Winkler
Bly	Fritz	Kelly	Metsa	Rosenthal	Woodard
Brynaert	Garofalo	Kieffer	Moran	Runbeck	Yarusso
Carlson	Green	Kiel	Morgan	Sanders	Zellers
Clark	Gruenhagen	Kresha	Mullery	Savick	Zerwas
Cornish	Gunther	Laine	Murphy, E.	Sawatzky	Spk. Thissen
Daudt	Hackbarth	Leidiger	Murphy, M.	Schoen	
Davids	Halverson	Lenczewski	Myhra	Schomacker	
Davnie	Hamilton	Lesch	Nelson	Scott	
Dean, M.	Hansen	Liebling	Newberger	Selcer	
Dehn, R.	Hausman	Lien	Newton	Simon	

A quorum was present.

Franson was excused until 2:15 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. There being no objection, further reading of the Journal was dispensed with and the Journal was approved as corrected by the Chief Clerk.

## PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA  
OFFICE OF THE GOVERNOR  
SAINT PAUL 55155

May 9, 2013

The Honorable Paul Thissen  
Speaker of the House of Representatives  
The State of Minnesota

Dear Speaker Thissen:

Please be advised that I have received, approved, signed, and deposited in the Office of the Secretary of State H. F. Nos. 947, 194, 588 and 1113.

Sincerely,

MARK DAYTON  
Governor

STATE OF MINNESOTA  
OFFICE OF THE SECRETARY OF STATE  
ST. PAUL 55155

The Honorable Paul Thissen  
Speaker of the House of Representatives

The Honorable Sandra L. Pappas  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2013 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S. F. No.</i>	<i>H. F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2013</i>	<i>Date Filed 2013</i>
	947	49	3:42 p.m. May 9	May 9
	194	50	3:43 p.m. May 9	May 9
	588	51	3:45 p.m. May 9	May 9
	1113	52	3:47 p.m. May 9	May 9

Sincerely,

MARK RITCHIE  
Secretary of State

**REPORTS OF STANDING COMMITTEES AND DIVISIONS**

Hilstrom from the Committee on Judiciary Finance and Policy to which was referred:

H. F. No. 1139, A bill for an act relating to human services; providing for a prevention of sexual violence working group; modifying provisions related to the Minnesota sex offender program; providing for sexual violence prevention demonstration grants; requiring a public education campaign; modifying the Civil Commitment Act; providing for a report; appropriating money; amending Minnesota Statutes 2012, section 253B.185, subdivision 1, by adding subdivisions.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1  
STRICT AND INTENSIVE SUPERVISION AND  
TREATMENT AND PUBLIC EDUCATION CAMPAIGN

Section 1. **STRICT AND INTENSIVE SUPERVISION AND TREATMENT.**

The commissioner of human services shall ensure a regimen of treatment that provides strict and intensive supervision and treatment (SIST) for individuals civilly committed under Minnesota Statutes, section 253B.185, who are court-ordered to strict and intensive supervision and treatment placement or placed on provisional discharge. The SIST must meet public safety requirements as specified by the commissioners of human services, public safety, and corrections, and ensure the safety of the public while meeting the treatment needs of the civilly committed population. The commissioner shall use the information resulting from the January 2013 request for information to determine existing capacity for a range of options for SIST that are effective and appropriate and allows progression. The commissioner shall contract with existing providers to provide SIST.

Sec. 2. **EDUCATION RELATING TO SEX OFFENDER CIVIL COMMITMENT PROCEDURAL CHANGES.**

The commissioner of human services, in partnership with the ombudsman for mental health and developmental disabilities, shall develop and provide education to judges and court staff, county attorneys and other lawyers, and court-appointed examiners about the civil commitment procedural changes under article 2 and the strict and intensive supervision and treatment under section 1.

Sec. 3. **PUBLIC EDUCATION CAMPAIGN.**

The commissioner of human services shall develop a public education campaign informing the general public about the 2012 class action lawsuit relating to the Minnesota sex offender program (MSOP), the court's rulings, including the order from the court establishing the Sex Offender Civil Commitment Advisory Task Force and the work of the task force, and the response by the legislature resulting in the legislation in this act. The public education campaign must be a statewide effort to educate Minnesotans on the process of civilly committing sex offenders and the emerging policy in response to the court's decisions, and related issues.

**EFFECTIVE DATE.** This section is effective July 1, 2013. The commissioner of human services shall implement this article as soon as practicable.

ARTICLE 2  
CIVIL COMMITMENT MODIFICATIONS

Section 1. Minnesota Statutes 2012, section 246B.10, is amended to read:

**246B.10 LIABILITY OF COUNTY; REIMBURSEMENT.**

The civilly committed sex offender's county shall pay to the state a portion of the cost of care provided ~~in~~ by or through the Minnesota sex offender program to a civilly committed sex offender who has legally settled in that county. Cost of care includes care, housing, and supervision provided to a civilly committed sex offender who is placed on strict and intensive supervision and treatment or provisional discharge. A county's payment must be made from the county's own sources of revenue and payments must equal 25 percent of the cost of care, as determined by the commissioner, for each day or portion of a day, that the civilly committed sex offender spends at ~~the~~ a Minnesota sex offender program facility or on strict and intensive supervision and treatment or provisional discharge. If payments received by the state under this chapter exceed 75 percent of the cost of care, the county is responsible for paying the state the remaining amount. The county is not entitled to reimbursement from the civilly committed sex offender, the civilly committed sex offender's estate, or from the civilly committed sex offender's relatives, except as provided in section 246B.07. For purposes of this section, cost of care begins after the order for commitment under section 253B.185, subdivision 1, paragraph (c).

Sec. 2. Minnesota Statutes 2012, section 253B.18, subdivision 4c, is amended to read:

Subd. 4c. **Special review board.** (a) The commissioner shall establish one or more panels of a special review board. The board shall consist of three members experienced in the field of mental illness. One member of each special review board panel shall be a psychiatrist and one member shall be an attorney. No member shall be affiliated with the Department of Human Services. The special review board shall meet at least every six months and at the call of the commissioner. It shall hear and consider all petitions for a reduction in custody or to appeal a revocation of provisional discharge. A "reduction in custody" means transfer from a secure treatment facility, discharge, and provisional discharge. Patients may be transferred by the commissioner between secure treatment facilities without a special review board hearing.

Members of the special review board shall receive compensation and reimbursement for expenses as established by the commissioner.

(b) A petition filed by a person committed as mentally ill and dangerous to the public under this section must be heard as provided in subdivision 5 and, as applicable, subdivision 13. A petition filed by a person committed as a sexual psychopathic personality or as a sexually dangerous person under section 253B.185, or committed as both mentally ill and dangerous to the public under this section and as a sexual psychopathic personality or as a sexually dangerous person must be heard as provided in section ~~253B.185, subdivision 9~~ 253B.19, subdivisions 2, paragraph (b); and 2a.

Sec. 3. Minnesota Statutes 2012, section 253B.185, subdivision 1, is amended to read:

Subdivision 1. **Commitment generally.** (a) Except as otherwise provided in this section, the provisions of this chapter pertaining to persons who are mentally ill and dangerous to the public apply with like force and effect to persons who are alleged or found to be sexually dangerous persons or persons with a sexual psychopathic personality. For purposes of this section, "sexual psychopathic personality" includes any individual committed as a "psychopathic personality" under Minnesota Statutes 1992, section 526.10.

(b) Before commitment proceedings are instituted, the facts shall first be submitted to the county attorney, who, if satisfied that good cause exists, will prepare the petition. The county attorney may request a prepetition screening report. The petition is to be executed by a person having knowledge of the facts and filed with the district court of

the county of financial responsibility or the county where the patient is present. If the patient is in the custody of the commissioner of corrections, the petition may be filed in the county where the conviction for which the person is incarcerated was entered.

(c) Upon the filing of a petition alleging that a proposed patient is a sexually dangerous person or is a person with a sexual psychopathic personality, the court shall hear the petition as provided in ~~section 253B.18, except that section 253B.18, subdivisions 2 and 3, shall not apply~~ sections 253B.07 and 253B.08.

If the court finds by clear and convincing evidence that the proposed patient is a sexually dangerous person or is a person with a sexual psychopathic personality, the court shall commit the person to the commissioner to place in a secure treatment facility for evaluation and proposed disposition. The Minnesota sex offender program is not required to provide sex offender treatment to the person until after the court's disposition order.

(d) In commitments under this section, the court shall commit the patient to a secure treatment facility unless the patient establishes by clear and convincing evidence that a less restrictive treatment program is available that is consistent with the patient's treatment needs and the requirements of public safety. Within 60 days following commitment and receipt of the patient, a qualified person or persons designated by the commissioner shall evaluate the patient, consider possible dispositions, and file a written disposition report with the committing court. If the person is in the custody of the commissioner of corrections when the commitment is ordered under paragraph (c), the written disposition report must be filed no later than 60 days after the person is admitted to the secure treatment facility. However, the commissioner may perform part or all of the evaluation, including providing the disposition report to the court, before the person is received by the commissioner. The commissioner may request that the court grant an extension of the 60-day deadline, which may be granted for good cause after opportunity for objection by the patient and the county attorney. The disposition report must recommend whether the person should be placed on strict and intensive supervision and treatment or in a secure treatment facility. If the recommendation is for placement on strict and intensive supervision and treatment, the report must specifically describe the conditions that the program determines would be best suited to meet the person's treatment needs and the requirements of public safety. Within 30 days after receiving the disposition report, unless otherwise agreed by the parties, the court shall hold a hearing to make a final determination as to the appropriate disposition of the case. If the disposition report recommends placement on strict and intensive supervision and treatment, either party or the court may request the court examiners to address the sufficiency and conditions of the plan.

(e) Between the time of the commitment order under paragraph (c) and the court's disposition order under paragraph (d), with the agreement of the committed person the person may be held in a Department of Corrections facility according to the provisions of section 253B.045, subdivision 1a, even though the person is not under a judicial hold order under section 253B.07, subdivision 2b or 7. During any time the person is confined in a Department of Corrections facility under this paragraph, the county's responsibility for costs of confinement shall not exceed 25 percent, and the Department of Human Services shall reimburse the Department of Corrections for the remaining 75 percent.

(f) At the time of commitment, the court shall provide the commissioner copies of the court-appointed examiners' reports and the exhibits admitted in the case. Upon request of the evaluator, the county attorney shall provide copies of records gathered by the county attorney for purposes of the case. Upon request, the evaluator is entitled to promptly obtain records and data regarding the committed person from the Department of Corrections, a probation or parole agency, and a program or provider that has provided sex offender or mental health evaluation or treatment to the committed person.

(g) A person committed under this section is not eligible for and shall not receive a pass. Section 253B.18, subdivisions 4a and 4b, do not apply to a person committed under this section.

(e) (h) After a final determination that a patient is a sexually dangerous person or sexual psychopathic personality, the court shall order commitment for an indeterminate period of time and the patient shall be transferred, provisionally discharged, or discharged, only as provided in this section.

Sec. 4. Minnesota Statutes 2012, section 253B.185, is amended by adding a subdivision to read:

**Subd. 1c. Strict and intensive supervision and treatment.** (a) If a specific plan for strict and intensive supervision and treatment is proposed in the disposition report or by the committed person, the court shall commit the person to strict and intensive supervision and treatment, unless the petitioner proves by a preponderance of the evidence that the plan is not sufficient to meet the person's treatment needs or the requirements of public safety. If no specific plan is presented, or if the court determines that no plan that is proposed is sufficient, the court shall commit the person to a secure treatment facility.

(b) If the court finds that strict and intensive supervision and treatment is appropriate, the court shall notify the Minnesota sex offender program, which must prepare a plan that identifies the treatment and services for the patient, including recommendations regarding the conditions of strict and intensive supervision and treatment. The plan must be presented to the court for its approval within 60 days after the court finds that strict and intensive supervision and treatment is appropriate, unless the program or the patient requests additional time to develop the plan and the court determines there is good cause to allow an extension for a specified period.

(c) An order for strict and intensive supervision and treatment places the patient in the custody and control of the commissioner of human services for the provision of treatment, services, and supervision under the Minnesota sex offender program and the patient is subject to the conditions set by the court and the program, which must ensure the safety of the public while meeting the treatment needs of the civilly committed patient.

(d) If the program determines that a patient under this subdivision has violated a condition under paragraph (c) or is exhibiting behavior that may be dangerous to self or others or that the interests of public safety require that strict and intensive supervision and treatment placement be revoked, the program may, using the procedures in subdivisions 15, paragraphs (b) and (c); and 16, revoke the patient's placement on strict and intensive supervision and treatment and place the patient in a secure treatment facility. The patient may appeal the revocation using the procedures in section 253B.185, subdivision 17, except that appeal is to the committing court. If the committing court determines that a condition of the strict and intensive supervision and treatment placement has been violated or that the safety of the patient or others requires that the strict and intensive supervision and treatment placement be revoked, the court shall affirm the revocation of the strict and intensive supervision and treatment placement and order an appropriate commitment placement under this section. The court may also, after notice to the parties and opportunity for hearing, reinstate the person on strict and intensive supervision under modified conditions the court determines are sufficient to satisfy the person's treatment needs and the requirements of public safety. If the court finds there was no violation and that the safety of the committed person or others does not require that the strict and intensive supervision be revoked, it shall reverse the revocation and order that the strict and intensive supervision placement be reinstated.

(e) This subdivision does not affect or replace any applicable registration requirements under section 243.166 or notice requirements under sections 244.052 and 244.053.

Sec. 5. Minnesota Statutes 2012, section 253B.185, is amended by adding a subdivision to read:

**Subd. 9a. Biennial review.** (a) Within 24 months after the date of the disposition order under subdivision 1c, paragraph (a), and after that time at least once each 24 months, the commissioner shall arrange for an examination of the committed person. The director of the evaluation unit under subdivision 9b shall appoint an examiner to perform the examination. The director shall establish procedures to provide that the committed person will have a role in choosing the examiner from the evaluation unit to conduct the examination, by objecting to a particular examiner or

using another method adopted by the director. The director shall establish procedures to allow the committed person to retain an additional examiner at the person's expense or to request the appointment of an additional examiner by the judicial appeal panel. Compensation for an appointed examiner who is not part of the evaluation unit shall be determined by the judicial appeal panel.

(b) An examiner conducting an examination under paragraph (a) shall prepare a written report of the examination no later than 30 days after the date of the examination. The report must examine and assess the patient's:

(1) progress toward treatment goals;

(2) risk to the public; and

(3) suitability for an alternative placement that balances the patient's continued treatment needs and public safety. The examiner shall provide a copy of the report to the county attorneys of the committing county and the county of financial responsibility, the commissioner, and the judicial appeal panel.

(c) Notwithstanding paragraph (a), the judicial appeal panel may order an examination of the person at any time during the period in which the person is subject to the commitment order. The examination must be conducted pursuant to this subdivision.

(d) At any examination under paragraph (a), the executive clinical director of the Minnesota sex offender program shall prepare a treatment progress report. The executive clinical director shall provide a copy of the treatment progress report to the commissioner. The treatment progress report must consider all of the following:

(1) the specific factors associated with the person's risk for committing another sexually violent offense;

(2) whether the person has made significant progress in treatment or has refused treatment;

(3) the ongoing treatment needs of the person; and

(4) any specialized needs or conditions associated with the person that must be considered in future treatment planning.

(e) Examiners under paragraph (a) and the executive clinical director under paragraph (d) must have reasonable access to the person for purposes of examination, to the person's past and present treatment and supervision records, and to the person's health care records.

(f) The commissioner shall submit a biennial report comprised of the examination report under paragraph (a) and the treatment progress report under paragraph (d) to the judicial appeal panel. A copy of the biennial report must be placed in the person's treatment records. The commissioner shall provide a copy of the biennial report to the patient and the county attorneys of the committing county and the county of financial responsibility. The panel shall provide a copy of the biennial report to the patient's attorney as soon as the attorney is retained or appointed.

(g) If a person committed under this section is incarcerated for a new criminal charge or conviction, any reporting requirement under paragraph (a), (d), or (f) does not apply during the incarceration period. The judicial appeal panel may order an examination of the person under paragraph (c) if the panel finds an examination is necessary. The required reports are due 24 months after the person is returned to the custody and control of the commissioner of human services under the Minnesota sex offender program.

(h) Failure to complete or file any required report within the specified time period does not affect the validity of the person's continuing commitment.

Sec. 6. Minnesota Statutes 2012, section 253B.185, is amended by adding a subdivision to read:

**Subd. 9b. Evaluation unit for biennial reviews.** The commissioner shall create an evaluation unit to perform the periodic reviews provided by subdivision 9a, paragraph (a). The commissioner shall designate a person as the director of the unit for purposes of that provision, and shall employ a sufficient number of qualified persons to perform the examinations. Such persons must meet the definition of "examiner" in section 253B.02, subdivision 7, clause (1) or (2), and must have specific training in evaluating risk of re-offense among sex offenders and have experience in the treatment, diagnosis, or management of sex offenders. The commissioner shall provide training for the examiners to ensure the quality and promote the uniformity of the examinations. The training shall include risk assessment, evaluation of efficacy and progress in sex offender treatment, types of strict and intensive supervision and treatment options available, the supervision that would be available to persons placed on strict and intensive supervision and treatment, and other matters determined appropriate by the commissioner. Members of the evaluation unit must be free to exercise independent professional judgment without pressure or retaliation for the exercise of that judgment from any source.

Sec. 7. Minnesota Statutes 2012, section 253B.185, subdivision 10, is amended to read:

**Subd. 10. Victim notification of petition and release; right to submit statement.** (a) As used in this subdivision:

(1) "crime" has the meaning given to "violent crime" in section 609.1095, and includes criminal sexual conduct in the fifth degree and offenses within the definition of "crime against the person" in section 253B.02, subdivision 4a, and also includes offenses listed in section 253B.02, subdivision 7a, paragraph (b), regardless of whether they are sexually motivated;

(2) "victim" means a person who has incurred loss or harm as a result of a crime, the behavior for which forms the basis for a commitment under this section or section 253B.18; and

(3) "convicted" and "conviction" have the meanings given in section 609.02, subdivision 5, and also include juvenile court adjudications, findings under Minnesota Rules of Criminal Procedure, rule 20.02, that the elements of a crime have been proved, and findings in commitment cases under this section or section 253B.18, that an act or acts constituting a crime occurred.

(b) A county attorney who files a petition to commit a person under this section shall make a reasonable effort to provide prompt notice of filing the petition to any victim of a crime for which the person was convicted. In addition, the county attorney shall make a reasonable effort to promptly notify the victim of the resolution of the petition.

(c) Before provisionally discharging, discharging, ~~granting pass eligible status, approving a pass plan,~~ or otherwise permanently or temporarily releasing a person committed under this section from a treatment facility, the head of the treatment facility shall make a reasonable effort to notify any victim of a crime for which the person was convicted that the person may be discharged or released and that the victim has a right to submit a written statement regarding decisions of the ~~head of the treatment facility or designee, or special review board,~~ judicial appeal panel with respect to the person. To the extent possible, the notice must be provided at least 14 days before any ~~special review board~~ judicial appeal panel hearing ~~or before a determination on a pass plan.~~ Notwithstanding section 611A.06, subdivision 4, the commissioner shall provide the judicial appeal panel with victim information in order to comply with the provisions of this section. The judicial appeal panel shall ensure that the data on victims remains private as provided for in section 611A.06, subdivision 4.

(d) This subdivision applies only to victims who have requested notification through the Department of Corrections electronic victim notification system, or by contacting, in writing, the county attorney in the county where the conviction for the crime occurred or where the civil commitment was filed or, following commitment, the

head of the treatment facility. A request for notice under this subdivision received by the commissioner of corrections through the Department of Corrections electronic victim notification system shall be promptly forwarded to the prosecutorial authority with jurisdiction over the offense to which the notice relates or, following commitment, the head of the treatment facility. A county attorney who receives a request for notification under this paragraph following commitment shall promptly forward the request to the commissioner of human services.

(e) Rights under this subdivision are in addition to rights available to a victim under chapter 611A. This provision does not give a victim all the rights of a "notified person" or a person "entitled to statutory notice" under subdivision 12 or 13 or section 253B.18, subdivision 4a, 4b, or 5.

Sec. 8. Minnesota Statutes 2012, section 253B.185, subdivision 11, is amended to read:

Subd. 11. **Transfer.** (a) A patient who is committed as a sexually dangerous person or sexual psychopathic personality shall not be transferred out of a secure treatment facility unless it appears to the satisfaction of the judicial appeal panel, ~~after a hearing and recommendation by a majority of the special review board,~~ that the transfer is appropriate. Transfer may be to other treatment programs under the commissioner's control.

(b) The following factors must be considered in determining whether a transfer is appropriate:

- (1) the person's clinical progress and present treatment needs;
- (2) the need for security to accomplish continuing treatment;
- (3) the need for continued institutionalization;
- (4) which facility can best meet the person's needs; and
- (5) whether transfer can be accomplished with a reasonable degree of safety for the public.

Sec. 9. Minnesota Statutes 2012, section 253B.185, subdivision 11a, is amended to read:

Subd. 11a. **Transfer; voluntary readmission to a secure facility.** (a) After a patient has been transferred out of a secure facility pursuant to subdivision 11 and with the consent of the executive director of the Minnesota sex offender program, a patient may voluntarily return to a secure facility operated by the Minnesota sex offender program for a period of up to 60 days.

(b) If the patient is not returned to the facility to which the patient was originally transferred pursuant to subdivision 11 within 60 days of being readmitted to a secure facility, the transfer is revoked and the patient shall remain in a secure facility. The patient shall immediately be notified in writing of the revocation.

(c) Within 15 days of receiving notice of the revocation, the patient may petition the ~~special review board~~ judicial appeal panel for a review of the revocation. The ~~special review board~~ judicial appeal panel shall review the circumstances of the revocation and shall ~~recommend to the judicial appeal panel~~ determine whether or not the revocation shall be upheld. The ~~special review board~~ judicial appeal panel may also ~~recommend~~ order a new transfer at the time of the revocation hearing.

(d) If the transfer has not been revoked and the patient is to be returned to the facility to which the patient was originally transferred pursuant to subdivision 11, with no substantive change to the conditions of the transfer ordered pursuant to subdivision 11, no action by the ~~special review board~~ or judicial appeal panel is required.

Sec. 10. Minnesota Statutes 2012, section 253B.185, subdivision 11b, is amended to read:

Subd. 11b. **Transfer; revocation.** (a) The executive director of the Minnesota sex offender program or designee may revoke a transfer made pursuant to subdivision 11 and require a patient to return to a secure treatment facility if:

(1) remaining in a nonsecure setting will not provide a reasonable degree of safety to the patient or others; or

(2) the patient has regressed in clinical progress so that the facility to which the patient was transferred is no longer sufficient to meet the patient's needs.

(b) Upon the revocation of the transfer, the patient shall be immediately returned to a secure treatment facility. A report documenting reasons for revocation shall be issued by the executive director or designee within seven days after the patient is returned to the secure treatment facility. Advance notice to the patient of the revocation is not required.

(c) The patient must be provided a copy of the revocation report and informed, orally and in writing, of the rights of a patient under this subdivision. The revocation report shall be served upon the patient and the patient's counsel. The report shall outline the specific reasons for the revocation including, but not limited to, the specific facts upon which the revocation recommendation is based.

(d) A patient whose transfer is revoked must successfully re-petition the ~~special review board~~ and judicial appeal panel prior to being transferred out of a secure facility.

(e) Any patient aggrieved by a transfer revocation decision may petition the ~~special review board~~ judicial appeal panel within seven days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of the revocation report for a review of the revocation. The matter shall be scheduled within 30 days. The ~~special review board~~ judicial appeal panel shall review the circumstances leading to the revocation and, after considering the factors in subdivision 11, paragraph (b), shall ~~recommend to the judicial appeal panel~~ determine whether or not the revocation shall be upheld. The ~~special review board~~ judicial appeal panel may also ~~recommend~~ order a new transfer out of a secure facility at the time of the revocation hearing.

Sec. 11. Minnesota Statutes 2012, section 253B.185, subdivision 12, is amended to read:

Subd. 12. **Provisional discharge.** A patient who is committed as a sexual psychopathic personality or sexually dangerous person shall not be provisionally discharged unless it appears to the satisfaction of the judicial appeal panel, ~~after a hearing and a recommendation by a majority of the special review board,~~ that the patient is capable of making an acceptable adjustment to open society.

The following factors are to be considered in determining whether a provisional discharge shall be ~~recommended~~ granted:

(1) whether the patient's course of treatment and present mental status indicate there is no longer a need for treatment and supervision in the patient's current treatment setting; and

(2) whether the conditions of the provisional discharge plan will provide a reasonable degree of protection to the public and will enable the patient to adjust successfully to the community.

Sec. 12. Minnesota Statutes 2012, section 253B.185, subdivision 14, is amended to read:

Subd. 14. **Provisional discharge; review.** A provisional discharge pursuant to this section shall not automatically terminate. A full discharge shall occur only as provided in subdivision 18. The commissioner shall notify the patient that the terms of a provisional discharge continue unless the patient requests and is granted a change in the conditions of provisional discharge or unless the patient petitions the ~~special review board~~ judicial appeal panel for a full discharge and the discharge is granted ~~by the judicial appeal panel~~.

Sec. 13. Minnesota Statutes 2012, section 253B.185, subdivision 14a, is amended to read:

Subd. 14a. **Provisional discharge; voluntary readmission.** (a) With the consent of the executive director of the Minnesota sex offender program, a patient may voluntarily return to the Minnesota sex offender program from provisional discharge for a period of up to 60 days.

(b) If the patient is not returned to provisional discharge status within 60 days of being readmitted to the Minnesota sex offender program, the provisional discharge is revoked. The patient shall immediately be notified of the revocation in writing. Within 15 days of receiving notice of the revocation, the patient may request a review of the matter before the ~~special review board~~ judicial appeal panel. The ~~special review board~~ judicial appeal panel shall review the circumstances of the revocation and, after applying the standards in subdivision 15, paragraph (a), shall ~~recommend to the judicial appeal panel~~ determine whether or not the revocation shall be upheld. The ~~board~~ judicial appeal panel may ~~recommend~~ order a return to provisional discharge status.

(c) If the provisional discharge has not been revoked and the patient is to be returned to provisional discharge, the Minnesota sex offender program is not required to petition for a further review by the ~~special review board~~ judicial appeal panel unless the patient's return to the community results in substantive change to the existing provisional discharge plan.

Sec. 14. Minnesota Statutes 2012, section 253B.185, subdivision 15, is amended to read:

Subd. 15. **Provisional discharge; revocation.** (a) The head of the treatment facility may revoke a provisional discharge if either of the following grounds exist:

- (1) the patient has departed from the conditions of the provisional discharge plan; or
- (2) the patient is exhibiting behavior which may be dangerous to self or others.

(b) The head of the treatment facility may revoke the provisional discharge and, either orally or in writing, order that the patient be immediately returned to the treatment facility. A report documenting reasons for revocation shall be issued by the head of the treatment facility within seven days after the patient is returned to the treatment facility. Advance notice to the patient of the revocation is not required.

(c) The patient must be provided a copy of the revocation report and informed, orally and in writing, of the rights of a patient under this section. The revocation report shall be served upon the patient, the patient's counsel, and the designated agency. The report shall outline the specific reasons for the revocation, including but not limited to the specific facts upon which the revocation recommendation is based.

(d) An individual who is revoked from provisional discharge must successfully re-petition the ~~special review board~~ and judicial appeal panel prior to being placed back on provisional discharge.

Sec. 15. Minnesota Statutes 2012, section 253B.185, subdivision 17, is amended to read:

Subd. 17. **Appeal.** Any patient aggrieved by a revocation decision or any interested person may petition the ~~special review board~~ judicial appeal panel within seven days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of the revocation report for a review of the revocation. The matter shall be scheduled within 30 days. The ~~special review board~~ judicial appeal panel shall review the circumstances leading to the revocation and shall ~~recommend to the judicial appeal panel~~ determine whether or not the revocation shall be upheld. The ~~special review board~~ judicial appeal panel may also ~~recommend~~ order a new provisional discharge at the time of the revocation hearing.

Sec. 16. Minnesota Statutes 2012, section 253B.185, subdivision 18, is amended to read:

Subd. 18. **Discharge.** A patient who is committed as a sexual psychopathic personality or sexually dangerous person shall not be discharged unless it appears to the satisfaction of the judicial appeal panel, ~~after a hearing and recommendation by a majority of the special review board,~~ that the patient is capable of making an acceptable adjustment to open society, is no longer dangerous to the public, and is no longer in need of inpatient treatment and supervision.

In determining whether a discharge shall be recommended, the ~~special review board and~~ judicial appeal panel shall consider whether specific conditions exist to provide a reasonable degree of protection to the public and to assist the patient in adjusting to the community. If the desired conditions do not exist, the discharge shall not be granted.

Sec. 17. Minnesota Statutes 2012, section 253B.19, subdivision 2, is amended to read:

Subd. 2. **Petition; hearing.** (a) A person committed as mentally ill and dangerous to the public under section 253B.18, or the county attorney of the county from which the person was committed or the county of financial responsibility, may petition the judicial appeal panel for a rehearing and reconsideration of a decision by the commissioner under section 253B.18, subdivision 5. The judicial appeal panel must not consider petitions for relief other than those considered by the commissioner from which the appeal is taken. The petition must be filed with the Supreme Court within 30 days after the decision of the commissioner is signed. The hearing must be held within 45 days of the filing of the petition unless an extension is granted for good cause.

~~(b) A person committed as a sexual psychopathic personality or as a sexually dangerous person under section 253B.185, or committed as both mentally ill and dangerous to the public under section 253B.18 and as a sexual psychopathic personality or as a sexually dangerous person under section 253B.185; the county attorney of the county from which the person was committed or the county of financial responsibility; or the commissioner may petition the judicial appeal panel for a rehearing and reconsideration of a decision of the special review board under section 253B.185, subdivision 9. The petition must be filed with the Supreme Court within 30 days after the decision is mailed by the commissioner as required in section 253B.185, subdivision 9, paragraph (f). The hearing must be held within 180 days of the filing of the petition unless an extension is granted for good cause. If no party petitions the judicial appeal panel for a rehearing or reconsideration within 30 days, the judicial appeal panel shall either issue an order adopting the recommendations of the special review board or set the matter on for a hearing pursuant to this paragraph.~~

~~(c)~~ (b) For an appeal under paragraph (a) ~~or (b)~~, the Supreme Court shall refer the petition to the chief judge of the judicial appeal panel. The chief judge shall notify the patient, the county attorney of the county of commitment, the designated agency, the commissioner, the head of the treatment facility, any interested person, and other persons the chief judge designates, of the time and place of the hearing on the petition. The notice shall be given at least 14 days prior to the date of the hearing.

~~(d)~~ (c) In an appeal under paragraph (a), any person may oppose the petition. The patient, the patient's counsel, the county attorney of the committing county or the county of financial responsibility, and the commissioner shall participate as parties to the proceeding pending before the judicial appeal panel and shall, except when the patient is committed solely as mentally ill and dangerous, no later than 20 days before the hearing on the petition, inform the judicial appeal panel and the opposing party in writing whether they support or oppose the petition and provide a summary of facts in support of their position.

(d) The judicial appeal panel may appoint examiners and may adjourn the hearing from time to time. It shall hear and receive all relevant testimony and evidence and make a record of all proceedings. The patient, the patient's counsel, and the county attorney of the committing county or the county of financial responsibility have the right to be present and may present and cross-examine all witnesses and offer a factual and legal basis in support of their

positions. The petitioning party seeking discharge or provisional discharge bears the burden of going forward with the evidence, which means presenting a prima facie case with competent evidence to show that the person is entitled to the requested relief. If the petitioning party has met this burden, the party opposing discharge or provisional discharge bears the burden of proof by clear and convincing evidence that the discharge or provisional discharge should be denied. A party seeking transfer under section 253B.18, subdivision 6, ~~or 253B.185, subdivision 11,~~ must establish by a preponderance of the evidence that the transfer is appropriate.

Sec. 18. Minnesota Statutes 2012, section 253B.19, is amended by adding a subdivision to read:

**Subd. 2a. Receipt of biennial report.** (a) Within 28 days after the commissioner submits a biennial report under section 253B.185, subdivision 9a, the patient or the patient's attorney may file supplemental written argument, affidavits, and exhibits, which must be served on the county attorney. Within 14 days of the service of supplemental documents by the patient or the patient's attorney, the county attorney of the committing county or county of financial responsibility may file and serve a written response.

(b) Within 60 days after receiving the biennial report, the judicial appeal panel shall determine whether to set the matter for a hearing. A hearing must be conducted unless the judicial appeal panel determines that the biennial report and any supplemental documents fail to present a prima facie case with competent evidence that the patient is entitled to transfer out of a secure treatment facility, a provisional discharge, or discharge from commitment. The judicial appeal panel shall allow the executive director to request a hearing at any time. The judicial appeal panel may, in its discretion, require a hearing at any time for good cause.

(c) If a hearing is ordered under paragraph (b), the hearing must be held within 180 days after the order, unless an extension is granted for good cause. The patient, the patient's counsel, and the county attorney of the committing county or the county of financial responsibility shall participate as parties to the proceeding pending before the judicial appeal panel and shall, no later than 20 days before the hearing on the petition, inform the judicial appeal panel and the opposing party in writing whether they support or oppose transfer, provisional discharge, or discharge, and provide a summary of facts in support of their position. The judicial appeal panel may appoint examiners and may adjourn the hearing from time to time. It shall hear and receive all relevant testimony and evidence and make a record of all proceedings. The patient, the patient's counsel, and the county attorney of the committing county or the county of financial responsibility have the right to be present and may present and cross-examine all witnesses and offer a factual and legal basis in support of their positions. The party opposing discharge or provisional discharge bears the burden of proof by clear and convincing evidence that the discharge or provisional discharge should be denied. A party seeking transfer under section 253B.185, subdivision 11, must establish by a preponderance of the evidence that the transfer is appropriate.

(d) The provisions of this subdivision apply to individuals committed under section 253B.185 and individuals committed under both sections 253B.18 and 253B.185. The procedures in section 253B.185, subdivision 10, for victim notification and right to submit a statement apply to hearings under this subdivision. A hearing under this subdivision is considered to be a commitment proceeding under section 8.01.

Sec. 19. Minnesota Statutes 2012, section 253B.19, subdivision 3, is amended to read:

**Subd. 3. Decision.** A majority of the judicial appeal panel shall rule upon the petition under subdivision 2, paragraph (a), or upon the review of a biennial report or hearing under subdivision 2a. The panel shall consider the petition de novo. The order of the judicial appeal panel shall supersede an order of the commissioner under section 253B.18, subdivision 5. No order of the judicial appeal panel granting a transfer, discharge or provisional discharge shall be made effective sooner than 15 days after it is issued.

In a hearing under subdivision 2, the panel may not consider petitions for relief other than those considered by the commissioner or special review board from which the appeal is taken. The judicial appeal panel may not grant a transfer or provisional discharge on terms or conditions that were not presented to the commissioner or the special review board.

Sec. 20. Minnesota Statutes 2012, section 609.485, subdivision 2, is amended to read:

Subd. 2. **Acts prohibited.** Whoever does any of the following may be sentenced as provided in subdivision 4:

(1) escapes while held pursuant to a lawful arrest, in lawful custody on a charge or conviction of a crime, or while held in lawful custody on an allegation or adjudication of a delinquent act;

(2) transfers to another, who is in lawful custody on a charge or conviction of a crime, or introduces into an institution in which the latter is confined, anything usable in making such escape, with intent that it shall be so used;

(3) having another in lawful custody on a charge or conviction of a crime, intentionally permits the other to escape;

(4) escapes while in a facility designated under section 253B.18, subdivision 1, pursuant to a court commitment order after a finding of not guilty by reason of mental illness or mental deficiency of a crime against the person, as defined in section 253B.02, subdivision 4a. Notwithstanding section 609.17, no person may be charged with or convicted of an attempt to commit a violation of this clause;

(5) escapes while in or under the supervision of a facility or authority designated under section 246B.01, subdivision 2a; 246B.02; 253B.18, subdivision 1; 253B.185, ~~subdivision~~ subdivisions 1, paragraph (d); and 1c; or Minnesota Statutes 1992, section 526.10;

(6) escapes while on pass status or provisional discharge according to section 253B.18 or 253B.185; or

(7) escapes while a civilly committed sex offender in the Minnesota sex offender program as defined in section 246B.01, subdivision 1a, or subject to a court hold order under section 253B.185.

For purposes of clauses (1) and (7), "escapes while held in lawful custody" or "escapes while a civilly committed sex offender in the Minnesota sex offender program" includes absconding from electronic monitoring or removing an electronic monitoring device from the person's body.

Sec. 21. **REVISOR'S INSTRUCTION.**

The revisor shall codify sections and amendments in this act consistent with the recodification of statutory sections providing for civil commitment of sexually dangerous persons and persons with sexual psychopathic personalities in H. F. No. 947, if enacted this legislative session.

Sec. 22. **REPEALER.**

Minnesota Statutes 2012, section 253B.185, subdivision 9, is repealed effective August 1, 2013.

Sec. 23. **EFFECTIVE DATE; APPLICATION; IMPLEMENTATION.**

(a) Except as otherwise provided in this section, this article is effective August 1, 2013.

(b) Sections 3 and 4 apply only to petitions for civil commitment filed on or after August 1, 2013.

(c) Petitions for a reduction in custody filed under Minnesota Statutes, section 253B.185, subdivision 9, before August 1, 2013, will continue to proceed under the laws and procedures in effect on July 31, 2013.

(d) Notwithstanding the requirements of section 5 (Minnesota Statutes, section 253B.185, subdivision 9a), the biennial report required under that section applies to patients with pending petitions no sooner than 12 months after the final disposition of a petition for reduction in custody that was filed before August 1, 2013.

(e) For persons civilly committed on petitions filed before August 1, 2013, and who are otherwise eligible for a biennial review, the commissioner may initiate the biennial review based on either the first commitment anniversary date after August 1, 2014, or the second anniversary date after August 1, 2014.

(f) Section 20 is effective August 1, 2013, and applies to crimes committed on or after that date."

Delete the title and insert:

"A bill for an act relating to human services; modifying provisions related to the Minnesota sex offender program; requiring a public education campaign; modifying the Civil Commitment Act; amending Minnesota Statutes 2012, sections 246B.10; 253B.18, subdivision 4c; 253B.185, subdivisions 1, 10, 11, 11a, 11b, 12, 14, 14a, 15, 17, 18, by adding subdivisions; 253B.19, subdivisions 2, 3, by adding a subdivision; 609.485, subdivision 2; repealing Minnesota Statutes 2012, section 253B.185, subdivision 9."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

Nelson from the Committee on Government Operations to which was referred:

H. F. No. 1823, A bill for an act relating to state government; proposing an amendment to the Minnesota Constitution, article IV, section 9; authorizing a council to establish salaries for legislators; changing the composition of the Compensation Council; amending Minnesota Statutes 2012, section 15A.082, subdivisions 1, 2, 3.

Reported the same back with the following amendments:

Page 1, delete sections 1 and 2 and insert:

"Section 1. **CONSTITUTIONAL AMENDMENT PROPOSED.**

An amendment to the Minnesota Constitution is proposed to the people. If the amendment is adopted, article IV, section 9, will read:

Sec. 9. The ~~compensation~~ salary of senators and representatives shall be prescribed by law. ~~No increase of compensation shall take effect during the period for which the members of the existing house of representatives may have been elected.~~ a council consisting of the following members: one person who is not a judge from each congressional district appointed by the chief justice of the Supreme Court, and one member from each congressional district appointed by the governor. If Minnesota has an odd number of congressional districts, the governor and the chief justice must each appoint an at-large member in addition to a member from each congressional district. One-half of the members appointed by the governor and one-half of the members appointed by the chief justice must belong to the political party that has the most members in the legislature. One-half of the members appointed by the governor and one-half of the members appointed by the chief justice must belong to the political party that has the

second-most members in the legislature. None of the members of the council may be current or former legislators. None of the members of the council may be current or former lobbyists registered under Minnesota law. Membership terms, removal, and compensation of members shall be as provided by law. The council must prescribe salaries by March 31 of each odd-numbered year, with any changes in salary to take effect on July 1 of that year.

Sec. 2. **SCHEDULE AND QUESTION.**

The proposed amendment must be submitted to the people at the 2014 general election. The question submitted must be:

"Shall the Minnesota Constitution be amended to remove legislators' ability to set their own salaries, and instead establish an independent, citizens-only council to prescribe salaries for legislators?"

Yes.....  
No.....""

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

Murphy, E., moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

Anderson, P., and Slocum were excused for the remainder of today's session.

**REPORTS OF STANDING COMMITTEES AND DIVISIONS, Continued**

Murphy, E., from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 1823, A bill for an act relating to state government; proposing an amendment to the Minnesota Constitution, article IV, section 9; authorizing a council to establish salaries for legislators; changing the composition of the Compensation Council; amending Minnesota Statutes 2012, section 15A.082, subdivisions 1, 2, 3.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Ways and Means.

Joint Rule 2.03 has been waived for any subsequent committee action on this bill.

The report was adopted.

Davids was excused for the remainder of today's session.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 1054, A bill for an act relating to marriage; providing for civil marriage between two persons; providing for exemptions and protections based on religious association; amending Minnesota Statutes 2012, sections 363A.26; 517.01; 517.03, subdivision 1; 517.08, subdivision 1a; 517.09; 518.07; proposing coding for new law in Minnesota Statutes, chapter 517.

JOANNE M. ZOFF, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 1444, A bill for an act relating to government finance; appropriating money for transportation, Metropolitan Council, and public safety activities and programs; providing for fund transfers, tort claims, and certain contingent appropriations; modifying various provisions related to transportation finance and policy; making technical and clarifying changes; amending Minnesota Statutes 2012, sections 161.20, subdivision 3; 161.44, by adding a subdivision; 168A.01, subdivision 6a; 171.05, subdivision 2, by adding a subdivision; 171.061, subdivision 4; 174.40, by adding a subdivision; 219.1651; 299E.01, subdivisions 2, 3; 398A.10, by adding a subdivision; Laws 2009, chapter 9, section 1; proposing coding for new law in Minnesota Statutes, chapters 161; 174; repealing Minnesota Statutes 2012, sections 161.04, subdivision 6; 174.285, subdivision 8.

The Senate has appointed as such committee:

Senators Dibble, Jensen, Kent, Champion and Carlson.

Said House File is herewith returned to the House.

JOANNE M. ZOFF, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 461, A bill for an act relating to natural resources; requiring general permit for mechanical control of certain cattails.

JOANNE M. ZOFF, Secretary of the Senate

## CONCURRENCE AND REPASSAGE

Benson, J., moved that the House concur in the Senate amendments to H. F. No. 461 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 461, A bill for an act relating to natural resources; requiring general permit for mechanical control of certain cattails.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 108 yeas and 20 nays as follows:

Those who voted in the affirmative were:

Abeler	Dill	Hilstrom	Loeffler	Nelson	Schomacker
Allen	Dorholt	Hoppe	Loon	Newton	Selcer
Anzelc	Drazkowski	Hornstein	Mack	Nornes	Simon
Atkins	Erhardt	Hortman	Mahoney	Norton	Simonson
Barrett	Erickson, R.	Huntley	Mariani	O'Driscoll	Sundin
Beard	Fabian	Isaacson	Marquart	O'Neill	Theis
Benson, J.	Falk	Johnson, C.	Masin	Paymar	Torkelson
Benson, M.	Faust	Johnson, S.	McDonald	Pelowski	Uglen
Bernardy	Fischer	Kahn	McNamar	Persell	Urdahl
Bly	Freiberg	Kelly	McNamara	Petersburg	Wagenius
Brynaert	Fritz	Kiel	Melin	Poppe	Ward, J.A.
Carlson	Green	Laine	Metsa	Pugh	Ward, J.E.
Clark	Gruenhagen	Leidiger	Moran	Radinovich	Winkler
Cornish	Gunther	Lenczewski	Morgan	Rosenthal	Woodard
Daudt	Halverson	Lesch	Mullery	Runbeck	Yarusso
Davnie	Hamilton	Liebling	Murphy, E.	Savick	Zellers
Dehn, R.	Hansen	Lien	Murphy, M.	Sawatzky	Zerwas
Dettmer	Hausman	Lillie	Myhra	Schoen	Spk. Thissen

Those who voted in the negative were:

Albright	FitzSimmons	Holberg	Lohmer	Sanders
Anderson, M.	Garofalo	Howe	Newberger	Scott
Dean, M.	Hackbarth	Johnson, B.	Peppin	Swedzinski
Erickson, S.	Hertaus	Kresha	Quam	Wills

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 580, A bill for an act relating to state government; regulating data protection for victims of violence; amending Minnesota Statutes 2012, sections 5B.02; 5B.03, subdivision 1; 5B.04; 5B.05; 5B.07, subdivision 1; 5B.10, by adding a subdivision; 13.82, subdivision 24; proposing coding for new law in Minnesota Statutes, chapter 13.

JOANNE M. ZOFF, Secretary of the Senate

### CONCURRENCE AND REPASSAGE

Simon moved that the House concur in the Senate amendments to H. F. No. 580 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 580, A bill for an act relating to state government; regulating data protection for victims of violence; amending Minnesota Statutes 2012, sections 5B.02; 5B.03, subdivision 1; 5B.04; 5B.05; 5B.07, subdivision 1; 13.82, subdivision 24; proposing coding for new law in Minnesota Statutes, chapter 13.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dill	Hertaus	Loeffler	Nornes	Simon
Albright	Dorholt	Holberg	Lohmer	Norton	Simonson
Allen	Drazkowski	Hoppe	Loon	O'Driscoll	Sundin
Anderson, M.	Erhardt	Hornstein	Mack	O'Neill	Swedzinski
Anderson, S.	Erickson, R.	Hortman	Mahoney	Paymar	Theis
Anzelc	Erickson, S.	Howe	Mariani	Pelowski	Torkelson
Atkins	Fabian	Huntley	Marquart	Peppin	Uglem
Barrett	Falk	Isaacson	Masin	Persell	Urdahl
Beard	Faust	Johnson, B.	McDonald	Petersburg	Wagenius
Benson, J.	Fischer	Johnson, C.	McNamar	Poppe	Ward, J.A.
Benson, M.	FitzSimmons	Johnson, S.	McNamara	Pugh	Ward, J.E.
Bernardy	Freiberg	Kahn	Melin	Quam	Wills
Bly	Fritz	Kelly	Metsa	Radinovich	Winkler
Brynaert	Garofalo	Kiel	Moran	Rosenthal	Woodard
Carlson	Green	Kresha	Morgan	Runbeck	Yarusso
Clark	Gruenhagen	Laine	Mullery	Sanders	Zellers
Cornish	Gunther	Leidiger	Murphy, E.	Savick	Zerwas
Daudt	Hackbarth	Lenczewski	Murphy, M.	Sawatzky	Spk. Thissen
Davnie	Halverson	Lesch	Myhra	Schoen	
Dean, M.	Hamilton	Liebling	Nelson	Schomacker	
Dehn, R.	Hansen	Lien	Newberger	Scott	
Dettmer	Hausman	Lillie	Newton	Selcer	

The bill was repassed, as amended by the Senate, and its title agreed to.

Kelly was excused between the hours of 2:50 p.m. and 5:30 a.m.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 1069, A bill for an act relating to state government; ratifying labor agreements and compensation plans.

JOANNE M. ZOFF, Secretary of the Senate

#### CONCURRENCE AND REPASSAGE

Lillie moved that the House concur in the Senate amendments to H. F. No. 1069 and that the bill be repassed as amended by the Senate.

A roll call was requested and properly seconded.

The Speaker called Hortman to the Chair.

Peppin moved that the House refuse to concur in the Senate amendments to H. F. No. 1069, that the Speaker appoint a Conference Committee of 5 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses.

A roll call was requested and properly seconded.

The question was taken on the Peppin motion and the roll was called. There were 57 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Abeler	Drazkowski	Hertaus	Lohmer	Peppin	Torkelson
Albright	Erickson, S.	Hilstrom	Loon	Petersburg	Uglen
Anderson, M.	Fabian	Holberg	Mack	Pugh	Urdahl
Anderson, S.	Franson	Hoppe	McDonald	Quam	Wills
Barrett	Garofalo	Howe	McNamara	Runbeck	Woodard
Beard	Green	Johnson, B.	Myhra	Sanders	Zellers
Benson, M.	Gruenhagen	Kieffer	Newberger	Schomacker	Zerwas
Daudt	Gunther	Kiel	Nornes	Scott	
Dean, M.	Hackbarth	Kresha	O'Driscoll	Swedzinski	
Dettmer	Hamilton	Leidiger	O'Neill	Theis	

Those who voted in the negative were:

Allen	Bly	Davnie	Erickson, R.	Freiberg	Hornstein
Anzelc	Brynaert	Dehn, R.	Falk	Fritz	Hortman
Atkins	Carlson	Dill	Faust	Halverson	Huntley
Benson, J.	Clark	Dorholt	Fischer	Hansen	Isaacson
Bernardy	Cornish	Erhardt	FitzSimmons	Hausman	Johnson, C.

Johnson, S.	Loeffler	Moran	Paymar	Schoen	Winkler
Kahn	Mahoney	Morgan	Pelowski	Selcer	Yarusso
Laine	Mariani	Mullery	Persell	Simon	Spk. Thissen
Lenczewski	Marquart	Murphy, E.	Poppe	Simonson	
Lesch	Masin	Murphy, M.	Radinovich	Sundin	
Liebling	McNamar	Nelson	Rosenthal	Wagenius	
Lien	Melin	Newton	Savick	Ward, J.A.	
Lillie	Metsa	Norton	Sawatzky	Ward, J.E.	

The motion did not prevail.

The question recurred on the Lillie motion and the roll was called. There were 80 yeas and 50 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorholt	Hornstein	Mahoney	Newton	Simon
Allen	Erhardt	Hortman	Mariani	Nornes	Simonson
Anzelc	Erickson, R.	Huntley	Marquart	Norton	Sundin
Atkins	Falk	Isaacson	Masin	Paymar	Urdahl
Benson, J.	Faust	Johnson, C.	McNamar	Pelowski	Wagenius
Bernardy	Fischer	Johnson, S.	McNamara	Persell	Ward, J.A.
Bly	Freiberg	Kahn	Melin	Petersburg	Ward, J.E.
Brynaert	Fritz	Laine	Metsa	Poppe	Winkler
Carlson	Gunther	Lenczewski	Moran	Radinovich	Yarusso
Clark	Halverson	Lesch	Morgan	Rosenthal	Spk. Thissen
Cornish	Hamilton	Liebling	Mullery	Savick	
Davnie	Hansen	Lien	Murphy, E.	Sawatzky	
Dehn, R.	Hausman	Lillie	Murphy, M.	Schoen	
Dill	Hilstrom	Loeffler	Nelson	Selcer	

Those who voted in the negative were:

Albright	Drazkowski	Hertaus	Lohmer	Pugh	Uglen
Anderson, M.	Erickson, S.	Holberg	Loon	Quam	Wills
Anderson, S.	Fabian	Hoppe	Mack	Runbeck	Woodard
Barrett	FitzSimmons	Howe	McDonald	Sanders	Zellers
Beard	Franson	Johnson, B.	Myhra	Schomacker	Zerwas
Benson, M.	Garofalo	Kieffer	Newberger	Scott	
Daudt	Green	Kiel	O'Driscoll	Swedzinski	
Dean, M.	Gruenhagen	Kresha	O'Neill	Theis	
Dettmer	Hackbarth	Leidiger	Peppin	Torkelson	

The motion prevailed.

H. F. No. 1069, A bill for an act relating to state government; ratifying labor agreements and compensation plans; appropriating money.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 77 yeas and 52 nays as follows:

Those who voted in the affirmative were:

Abeler	Dill	Hausman	Lillie	Murphy, E.	Schoen
Allen	Dorholt	Hilstrom	Loeffler	Murphy, M.	Selcer
Anzelc	Erhardt	Hornstein	Mahoney	Nelson	Simon
Atkins	Erickson, R.	Hortman	Mariani	Newton	Simonson
Benson, J.	Falk	Huntley	Marquart	Norton	Sundin
Bernardy	Faust	Johnson, C.	Masin	Paymar	Urdahl
Bly	Fischer	Johnson, S.	McNamara	Pelowski	Wagenius
Brynaert	Freiberg	Kahn	McNamara	Persell	Ward, J.A.
Carlson	Fritz	Laine	Melin	Poppe	Ward, J.E.
Clark	Gunther	Lenczewski	Metsa	Radinovich	Winkler
Cornish	Halverson	Lesch	Moran	Rosenthal	Yarusso
Davnie	Hamilton	Liebling	Morgan	Savick	Spk. Thissen
Dehn, R.	Hansen	Lien	Mullery	Sawatzky	

Those who voted in the negative were:

Albright	Drazkowski	Hertaus	Lohmer	Peppin	Theis
Anderson, M.	Erickson, S.	Holberg	Loon	Petersburg	Torkelson
Anderson, S.	Fabian	Hoppe	Mack	Pugh	Uglen
Barrett	FitzSimmons	Howe	McDonald	Quam	Wills
Beard	Franson	Johnson, B.	Myhra	Runbeck	Woodard
Benson, M.	Garofalo	Kieffer	Newberger	Sanders	Zellers
Daudt	Green	Kiel	Nornes	Schomacker	Zerwas
Dean, M.	Gruenhagen	Kresha	O'Driscoll	Scott	
Dettmer	Hackbarth	Leidiger	O'Neill	Swedzinski	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 1138, A bill for an act relating to the military; updating the Minnesota Code of Military Justice; providing clarifying language; amending Minnesota Statutes 2012, sections 192A.02, subdivision 1; 192A.045, subdivision 3; 192A.095; 192A.10; 192A.105; 192A.11, subdivision 1; 192A.111; 192A.13; 192A.20; 192A.235, subdivision 3; 192A.605; 192A.62; 192A.66; proposing coding for new law in Minnesota Statutes, chapter 192A; repealing Minnesota Statutes 2012, sections 192A.085; 192A.11, subdivisions 2, 3.

JOANNE M. ZOFF, Secretary of the Senate

Persell moved that the House recess subject to the call of the Chair.

#### MOTION TO FIX TIME TO CONVENE

Daudt moved that when the House adjourns today it adjourn until 9:00 a.m., Wednesday, May 15, 2013.

A roll call was requested and properly seconded.

The question was taken on the Daudt motion and the roll was called. There were 56 yeas and 72 nays as follows:

Those who voted in the affirmative were:

Abeler	Dettmer	Hackbarth	Lohmer	Peppin	Torkelson
Albright	Drazkowski	Hamilton	Loon	Petersburg	Uglen
Anderson, M.	Erickson, S.	Hertaus	Mack	Pugh	Urdahl
Anderson, S.	Fabian	Hoppe	McDonald	Quam	Wills
Barrett	FitzSimmons	Howe	McNamara	Runbeck	Woodard
Beard	Franson	Johnson, B.	Myhra	Sanders	Zerwas
Benson, M.	Garfalo	Kieffer	Newberger	Schomacker	
Cornish	Green	Kiel	Nornes	Scott	
Daudt	Gruenhagen	Kresha	O'Driscoll	Swedzinski	
Dean, M.	Gunther	Leidiger	O'Neill	Theis	

Those who voted in the negative were:

Allen	Dorholt	Hornstein	Lillie	Murphy, E.	Sawatzky
Anzelc	Erhardt	Hortman	Loeffler	Murphy, M.	Schoen
Atkins	Erickson, R.	Huntley	Mahoney	Nelson	Selcer
Benson, J.	Falk	Isaacson	Mariani	Newton	Simon
Bernardy	Faust	Johnson, C.	Marquart	Norton	Simonson
Bly	Fischer	Johnson, S.	Masin	Paymar	Sundin
Brynaert	Freiberg	Kahn	McNamar	Pelowski	Wagenius
Carlson	Fritz	Laine	Melin	Persell	Ward, J.A.
Clark	Halverson	Lenczewski	Metsa	Poppe	Ward, J.E.
Davnie	Hansen	Lesch	Moran	Radinovich	Winkler
Dehn, R.	Hausman	Liebling	Morgan	Rosenthal	Yarusso
Dill	Hilstrom	Lien	Mullery	Savick	Spk. Thissen

The motion did not prevail.

Winkler was excused between the hours of 3:40 p.m. and 4:40 p.m.

#### CALL OF THE HOUSE

On the motion of Daudt and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Abeler	Bly	Dorholt	Freiberg	Holberg	Kiel
Albright	Brynaert	Drazkowski	Fritz	Hoppe	Kresha
Anderson, M.	Carlson	Erhardt	Garfalo	Hornstein	Laine
Anderson, S.	Clark	Erickson, R.	Green	Hortman	Leidiger
Anzelc	Cornish	Erickson, S.	Gruenhagen	Howe	Lesch
Atkins	Daudt	Fabian	Gunther	Huntley	Liebling
Barrett	Davnie	Falk	Hackbarth	Johnson, B.	Lien
Beard	Dean, M.	Faust	Halverson	Johnson, C.	Lillie
Benson, J.	Dehn, R.	Fischer	Hamilton	Johnson, S.	Loeffler
Benson, M.	Dettmer	FitzSimmons	Hertaus	Kahn	Lohmer
Bernardy	Dill	Franson	Hilstrom	Kieffer	Loon

Mack	Morgan	O'Driscoll	Radinovich	Simon	Ward, J.E.
Mahoney	Mullery	O'Neill	Rosenthal	Simonson	Wills
Mariani	Murphy, E.	Paymar	Runbeck	Sundin	Woodard
Marquart	Murphy, M.	Pelowski	Sanders	Swedzinski	Yarusso
Masin	Myhra	Peppin	Savick	Theis	Zellers
McDonald	Nelson	Persell	Sawatzky	Torkelson	Zerwas
McNamar	Newberger	Petersburg	Schoen	Uglen	
McNamara	Newton	Poppe	Schomacker	Urdahl	
Melin	Nornes	Pugh	Scott	Wagenius	
Moran	Norton	Quam	Selcer	Ward, J.A.	

Murphy, E., moved that further proceedings of the roll call be suspended and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

The question recurred on the Persell motion that the House recess subject to the call of the Chair. The motion prevailed.

#### RECESS

#### RECONVENED

The House reconvened and was called to order by the Speaker.

Garofalo was excused for the remainder of today's session.

#### CALL OF THE HOUSE LIFTED

Murphy, E., moved that the call of the House be lifted. The motion prevailed and it was so ordered.

Pursuant to rule 1.50, Murphy, E., moved that the House be allowed to continue in session after 12:00 midnight.

A roll call was requested and properly seconded.

The question was taken on the Murphy, E., motion and the roll was called. There were 69 yeas and 56 nays as follows:

Those who voted in the affirmative were:

Allen	Clark	Fischer	Huntley	Liebling	McNamar
Anzelc	Davnie	Freiberg	Isaacson	Lien	Melin
Atkins	Dehn, R.	Fritz	Johnson, C.	Lillie	Metsa
Benson, J.	Dorholt	Halverson	Johnson, S.	Loeffler	Moran
Bernardy	Erhardt	Hansen	Kahn	Mahoney	Morgan
Bly	Erickson, R.	Hausman	Laine	Mariani	Mullery
Brynaert	Falk	Hornstein	Lenczewski	Marquart	Murphy, E.
Carlson	Faust	Hortman	Lesch	Masin	Murphy, M.

Nelson	Persell	Savick	Simon	Ward, J.A.	Spk. Thissen
Newton	Poppe	Sawatzky	Simonson	Ward, J.E.	
Norton	Radinovich	Schoen	Sundin	Winkler	
Paymar	Rosenthal	Selcer	Wagenius	Yarusso	

Those who voted in the negative were:

Abeler	Dettmer	Hackbarth	Lohmer	Peppin	Torkelson
Albright	Dill	Hamilton	Loon	Petersburg	Uglen
Anderson, M.	Drazkowski	Hertaus	Mack	Pugh	Urdahl
Anderson, S.	Erickson, S.	Hoppe	McDonald	Quam	Wills
Barrett	Fabian	Howe	McNamara	Runbeck	Woodard
Beard	FitzSimmons	Johnson, B.	Myhra	Sanders	Zerwas
Benson, M.	Franson	Kieffer	Newberger	Schomacker	
Cornish	Green	Kiel	Nornes	Scott	
Daudt	Gruenhagen	Kresha	O'Driscoll	Swedzinski	
Dean, M.	Gunther	Leidiger	O'Neill	Theis	

The motion prevailed.

Abeler was excused for the remainder of today's session.

### MESSAGES FROM THE SENATE, Continued

The following message was received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 681, A bill for an act relating to civil actions; changing the limitation period for civil actions involving sexual abuse; amending Minnesota Statutes 2012, section 541.073.

JOANNE M. ZOFF, Secretary of the Senate

Simon moved that the House refuse to concur in the Senate amendments to H. F. No. 681, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

### ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 681:

Simon, Winkler and Abeler.

Murphy, E., moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

Dill and Lenczewski were excused for the remainder of today's session.

**MESSAGES FROM THE SENATE, Continued**

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 681, A bill for an act relating to civil actions; changing the limitation period for civil actions involving sexual abuse; amending Minnesota Statutes 2012, section 541.073.

The Senate has appointed as such committee:

Senators Latz, Hoffman and Housley.

Said House File is herewith returned to the House.

JOANNE M. ZOFF, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 561, 1014 and 1272.

JOANNE M. ZOFF, Secretary of the Senate

**FIRST READING OF SENATE BILLS**

S. F. No. 561, A bill for an act relating to commerce; regulating building and construction contracts; prohibiting certain agreements to insure; amending Minnesota Statutes 2012, section 337.05, subdivision 1.

The bill was read for the first time.

Atkins moved that S. F. No. 561 and H. F. No. 644, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1014, A bill for an act relating to human services; modifying provisions related to the Minnesota sex offender program; requiring a public education campaign; modifying the Civil Commitment Act; appropriating money; amending Minnesota Statutes 2012, sections 246B.10; 253B.18, subdivision 4c; 253B.185, subdivisions 1, 10, 11, 11a, 11b, 12, 14, 14a, 15, 17, 18, by adding subdivisions; 253B.19, subdivisions 2, 3, by adding a subdivision; 609.485, subdivision 2; repealing Minnesota Statutes 2012, section 253B.185, subdivision 9.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

S. F. No. 1272, A bill for an act relating to public health; establishing a healthy housing grant program; appropriating money for healthy housing grants and lead poisoning prevention activities; proposing coding for new law in Minnesota Statutes, chapter 144.

The bill was read for the first time and referred to the Committee on Health and Human Services Finance.

### CALENDAR FOR THE DAY

S. F. No. 1006, A bill for an act relating to lawful gambling; modifying account, record keeping, and other regulatory provisions; amending Minnesota Statutes 2012, sections 297E.06, subdivision 4; 349.1635, subdivision 3; 349.165, subdivision 5; 349.19, subdivisions 2, 10.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 120 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Albright	Dorholt	Hilstrom	Loeffler	Newton	Scott
Allen	Drazkowski	Hoppe	Lohmer	Nornes	Selcer
Anderson, M.	Erhardt	Hornstein	Loon	Norton	Simon
Anderson, S.	Erickson, R.	Hortman	Mack	O'Driscoll	Simonson
Anzelc	Erickson, S.	Howe	Mahoney	O'Neill	Sundin
Atkins	Fabian	Isaacson	Marquart	Paymar	Swedzinski
Barrett	Falk	Johnson, B.	Masin	Pelowski	Theis
Beard	Faust	Johnson, C.	McDonald	Peppin	Torkelson
Benson, J.	Fischer	Johnson, S.	McNamar	Persell	Uglen
Bernardy	FitzSimmons	Kahn	McNamara	Petersburg	Urdahl
Bly	Franson	Kelly	Melin	Poppe	Wagenius
Brynaert	Freiberg	Kieffer	Metsa	Pugh	Ward, J.A.
Carlson	Fritz	Kiel	Moran	Radinovich	Ward, J.E.
Clark	Green	Kresha	Morgan	Rosenthal	Wills
Cornish	Gunther	Laine	Mullery	Runbeck	Winkler
Daudt	Hackbarth	Leidiger	Murphy, E.	Sanders	Woodard
Davnie	Halverson	Lesch	Murphy, M.	Savick	Yarusso
Dean, M.	Hamilton	Liebling	Myhra	Sawatzky	Zellers
Dehn, R.	Hansen	Lien	Nelson	Schoen	Zerwas
Dettmer	Hertaus	Lillie	Newberger	Schomacker	Spk. Thissen

Those who voted in the negative were:

Benson, M.          Gruenhagen          Holberg          Quam

The bill was passed and its title agreed to.

REPORT FROM THE COMMITTEE ON RULES  
AND LEGISLATIVE ADMINISTRATION

Murphy, E., from the Committee on Rules and Legislative Administration, pursuant to rules 1.21 and 3.33, designated the following bills to be placed on the Calendar for the Day for Thursday, May 16, 2013 and established a prefiling requirement for amendments offered to the following bills:

H. F. Nos. 647, 392, 946 and 792.

ADJOURNMENT

Murphy, E., moved that when the House adjourns today it adjourn until 9:00 a.m., Wednesday, May 15, 2013. The motion prevailed.

Murphy, E., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 9:00 a.m., Wednesday, May 15, 2013.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives